

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1070

Blue Heron Pond LLC,
Appellant

v.

Town of Lancaster,
Appellee

BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board (“Board”) on Appellant’s appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 (“Application”). Appellant sought relief from 780 CMR 120.AA, Stretch Energy Code, and 780 CMR 9307, Energy Conservation 2009 IECC, with respect to the construction of five dwellings located at 500, 502, 551, 553 and 555 Red Tail Way, Lancaster, MA.

Procedural History

On or about October 7, 2011, the Building Inspector for the Town of Lancaster denied five (5) building permit applications for five dwellings, (which are part of a condominium project under development pursuant to G. L. c. 40B). He stated, “You are not in compliance with 780 CMR 51.00, along with the International Residential Code; the 2009 IECC code and Appendix AA (the Stretch Code) which has been adopted by the Town of Lancaster.

The Board convened a public hearing on November 15, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

Discussion

There was evidence that the Town of Lancaster adopted the Stretch Code, but, the Town also allowed, in effect, a variance from the Stretch Code for this particular project.

Conclusion

The Board considered a motion to allow a variance from 780 CMR 120.00, Stretch Energy Code, and 780 CMR 9307, Energy Conservation 2009 IECC (“Motion”). The Motion was **approved** by two-to-one vote (Haagensen opposed).



Dana Haagensen

Douglas Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: January 30, 2012